

REMARKS

Attached hereto is a Request for an Extension of Time and the appropriate fee.

In accordance with a telephone conference with Examiner Gabel, it is understood that proposed amendment to Claim 9 resolves the 35 U.S.C. Section 112 issue.

Since Claim 8 has now been canceled, it is now believed that the case is condition for allowance and early notification of the same is requested.

If the Examiner has any questions, the undersigned attorney would appreciate a telephone conference at the listed telephone number.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Assistant Commissioner for Patents, Box AF, Washington, D.C. 20231 on April 23, 2002.

By: Marc Fregoso

Marc Fregoso

Signature

Date: April 23, 2002

Respectfully submitted,

PRICE AND GESS



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

Claim 8 has been canceled without prejudice.

Claim 9 has been amended as follows:

9. (Thrice Amended) An immunoassay method of quantifying a predetermined antigen in a sample of whole blood, comprising the steps of:

providing a sample of the whole blood;

adding a hemolysis reagent [and a latex reagent directly] to the sample of the whole blood [and hemolysing the whole blood sample with the hemolysis reagent] to hemolyse the blood corpuscles;

[reacting] adding a latex reagent directly to the hemolysed whole blood sample to react the hemolysed sample in an agglutination reaction to form a reaction product wherein a predetermined antigen in the hemolysed whole blood sample specifically reacts with an antibody immobilized onto an insoluble carrier to provide the reaction product;

irradiating the reaction product in the sample with radiation which includes a wavelength range which is substantially free from absorption by both hemoglobin and the hemolysis reagent; and

measuring only in the wavelength range which is substantially free from absorption by both hemoglobin and the hemolysis reagent, an absorbance of the incident radiation by the reaction product to determine the quantity of antigens in the sample.